



July 2, 2007

Paul E. Davis, Director
Division of Water Pollution Control
Tennessee Department of Environment and Conservation
L & C Tower Annex, 6th Floor
401 Church Street
Nashville, Tennessee 37243-1534

RECEIVED

JUL 6 2007

TN Division Of Water
Pollution Control

Re: Director's Order and Assessment
Case No. 07-068D
Town of Dandridge, Tennessee

Dear Mr. Davis:

On behalf of the Town of Dandridge, please accept this correspondence in accordance with the Notice of Rights in the referenced Director's Order and Assessment, which was received by the Town on June 7, 2007. The Town submits this petition for the reasons set forth herein.

Paragraph X. states that the Town was deficient in reporting data for 23 parameters required by the permit. The Town is unaware of any such deficiencies and has inquired to the TDEC Knoxville Field Office as to the relevant facts.

Paragraph XI. references a nondescript complaint to EPA, which the Town was unaware of until receipt of the Director's Order. Since the Town was never contacted about the complaint nor was it ever substantiated, its inclusion in the Order seems inappropriate.

Paragraph XIV.3. requires all activities in the approved CAP/ER to be complete by March 31, 2010. The time frames included in the Order allow for the Town to submit the CAP/ER (180 days), for TDEC to approve the document (unknown time frame), and for the Town to implement the associated actions (90 days), all of which will consume the remainder of 2007 and some portion of 2008. The CAP/ER will involve significant capital improvements to upgrade and expand the wastewater treatment plant, which is scheduled to take approximately three years to complete. Although the Town has secured significant capital financing for the wastewater treatment plant, the NPDES permit modification has not been issued with any proposed changes to the permit. The Town respectfully requests the date for completing the CAP/ER activities be revised to December 31, 2011.

Paragraph XIV.6. requires the first annual report of the MOM program to be submitted on March 31, 2009 covering the program activities during the 2008 calendar year. The time frames for the Town to submit the MOM program (180 days) and to receive TDEC comments will consume the remainder of 2007 and some portion of 2008. Since the MOM program will not be implemented for a significant portion of 2008, it will not be possible to prepare the required report contents for the 2008 calendar year. The Town respectfully requests the date for submitting the first MOM program report be revised to March 31, 2010 covering the program activities for the 2009 calendar year.

Paragraph XIV.10. assesses a total civil penalty of \$73,000.00 payable in an initial payment of \$14,500.00 with additional incremental payments of \$6,500.00 if the Town fails to comply with subsequent requirements of the Order after it becomes final. While the Town intends to fully comply with the provisions of a final Order and therefore not bear the incremental penalties, we believe the imposition of the initial payment of \$14,500.00 is unfair based on the actions taken by the Town during the past four years to complete wastewater system improvements. The Town has well recognized its responsibilities to operate and maintain its wastewater system in compliance with the Clean Water Act and the associated permits, regulations and rules.

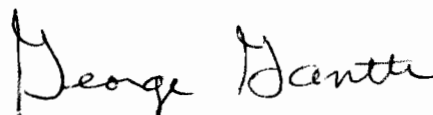
In this regard, the Town began the process of upgrading and expanding its wastewater treatment plant in 2003, well before the violations cited in the Order, by preparing the necessary engineering reports and implementing the capital funding processes with USDA-Rural Development. In April 2005, the necessary funding was obligated to the Town, and the Town proceeded to prepare the documents to secure the funds and to request the needed NPDES permit modification, which was submitted to TDEC in April, 2006. After fifteen months, the Town currently has no response to the NPDES permit modification request and has therefore been unable to proceed with the improvements at the wastewater treatment plant.

There were two equipment failures within the treatment plant during the past twelve months that resulted in only minor violations due to the operational response of the Town as documented to TDEC at those times. These equipment failures were due to the equipment age in excess of thirty years, not a lack of operational and maintenance attention. The occurrence of these failures prompted the Town to proceed early to the extent possible, and at a greater cost, to construct a new secondary clarifier at the wastewater treatment plant to mitigate additional potential equipment problems while waiting on the NPDES permit modification approval from TDEC. The construction plans and specifications have also been completed to the extent possible since October 2006. The Town remains unable to schedule the remaining needed capital improvements until a response from TDEC is forthcoming regarding the upgrade and expansion of the wastewater treatment plant.

In summary, the Town initiated positive and aggressive action in 2003 to avoid the violations that occurred in 2006 and 2007 as documented in the Order. In less than two years, we acquired the necessary capital funding and in 2006 we initiated the permitting process with TDEC. During the period of the violations, we have waited for TDEC approval to proceed. We respectfully request the initial civil penalty of \$14,500.00 be waived due to the positive and aggressive actions initiated by the Town and the continued inability to move forward being beyond our control. The Town hereby requests a hearing before the Water Quality Control Board for the above stated reasons.

The Town of Dandridge would welcome discussions with your department regarding these matters. Please contact me through Town Hall at 865-397-7420 or our Town Attorney, Mr. Jim Gass at 865-453-2866 or our Consulting Engineer, Mr. Gary McGill at 865-908-0575.

Sincerely,

A handwritten signature in black ink that reads "George Gantte". The signature is fluid and cursive, with the first name "George" and the last name "Gantte" clearly distinguishable.

George Gantte

Mayor

Town of Dandridge, Tennessee

Cc: Jim Gass
Gary McGill
Mike Norton
Jim Hutchins

Certified Mail #7005 3110 0003 9140 2835